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BEFORE THE ARIZONA CORPORATIO

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COMMISSIONERS

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AZ CORP COMMISSION
DOCKET CONTROL

Arizona Corporation Commission

DOCKETED

OCT 02 2014

DOCKETED BY

ORIGINAL

IN THE MATTER OF THE APPLICATION OF)
 HOPEVILLE WATER COMPANY, INC. DBA)
 ALLENVILLE WATER COMPANY FOR)
 APPROVAL TO SELL ITS WATER SYSTEM)
 ASSETS TO THE CITY OF BUCKEYE AND)
 TO CANCEL ITS CERTIFICATE OF)
 CONVENIENCE AND NECESSITY)

DOCKET NO. W-02077A-12-0493

NOTICE OF FILING: STATUS
UPDATE OF EXECUTED
SETTLEMENT AGREEMENT

On December 17, 2012, Hopeville Water Company dba Allenville Water Company ("Hopeville" or "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of the sale and transfer of its water system assets to the Town of Buckeye ("Town") and to cancel Hopeville's Certificate of Convenience and Necessity ("CC&N") to provide water utility services in the Town of Hopeville.

On January 7, 2013, the Commission's Utilities Division ("Staff") filed a Sufficiency Letter in this docket stating that Hopeville's application had met the sufficiency requirements as outlined in the Arizona Administrative Code ("A.A.C.").

On February 11, 2013, by Procedural Order, the matter was set for hearing to begin on April 16, 2013, and intervention was granted to: Alvin Cobbin; Holly Brown; Sharon K. Caldwell; LaFurn Garland; La Toya Cooper; Maria Estrada; Martha Castro; Georgia L. Land; Albert Williams; Izola Brown; Elanore Guy; Ruby Cooper; Olivia Piper; Jim Brown; Wilbur Brown; Anola Hubbert; Erica Gonzales; Arie Gonzales; Cynthia Bell; Angela Gonzales; Francisco Gonzales; Sergio Munoz; Jennifer Van Acker; and Ellen Berry.

1 On February 13, 2013, a Motion to Intervene was filed by The Concerned Citizens Group
2 of Hopeville, AZ ("Concerned Citizens") and signed by James Brown, Jr., as representative
3 ("February 13, 2013 Motion").

4 On February 21, 2013, by Procedural Order, a procedural conference was scheduled to
5 discuss who Concerned Citizens intended to represent and whether Concerned Citizens met the
6 requirements set forth in Arizona Supreme Court Rule 31.

7 On March 5, 2013, a procedural conference was held as scheduled. Staff and the
8 Company appeared through counsel. Mr. James Brown, Jr. appeared as a representative of
9 Concerned Citizens. During the procedural conference, Mr. Brown stated that Concerned
10 Citizens is neither a legal entity, nor registered as non-profit organization, but that Concerned
11 Citizens is comprised of customers of the Company who are concerned about the sale of assets to
12 the Town. Mr. Brown was informed that ten of the individuals who signed the February 13,
2013, Motion had been previously granted intervention in this matter.

13 On March 8, 2013, the Staff Report was filed in this matter and Staff recommended
14 approval of the application with conditions.

15 On March 21, 2013, Matilda Lee White filed a Motion to Intervene, stating she is a
16 property owner in Hopeville and a customer of the water company.

17 On March 22, 2013, Hopeville filed an Affidavit of Publication and Mailing, stating that
18 notice of the application and hearing date had been mailed via First Class U.S. Mail to customers
19 of Hopeville and that notice had been published in the Buckeye Valley News, a weekly
20 newspaper of general circulation in Buckeye, Arizona, on March 7, 2013.

21 On April 9, 2013, intervention was granted to: Robert Land; Carolyn Land; Frederic
22 Orozco; Cristina Orozco; Oliver Caldwell; Brice Caldwell; Larry Bell; and Matilda Lee White.

23 On April 9, 2013, Mr. Alvin Cobbin, intervenor, filed a Motion to Postpone the April 16,
2013 hearing.

24 On April 15, 2013, Hopeville filed its response to the Motion to Postpone Hearing.

25 On April 16, 2013, a full public hearing was convened as scheduled before a duly
26 authorized Administrative Law Judge of the Commission. Hopeville and Staff appeared through

1 counsel. Mr. Alvin Cobbin, intervenor, appeared on his own behalf as well as other intervenors.
2 During the hearing, Mr. Cobbin's Motion to Postpone the hearing was discussed. Mr. Cobbin
3 informed the Commission that the Concerned Citizens had filed a lawsuit against Hopeville in
4 Maricopa County Superior Court and that a hearing was scheduled to be held in Superior Court
5 on April 29, 2013. After hearing arguments from Hopeville intervenors, and Staff, the motion to
6 postpone the hearing was granted and public comment was taken. At the conclusion of the
7 public comment hearing, Hopeville was instructed to file, within 45 days of the hearing, a notice
8 updating the Commission on the lawsuit filed by the Concerned Citizens of Hopeville against
9 Hopeville Water Company in Superior Court.

10 On May 9, 2013, Hopeville docketed a Notice of Filing, stating that a hearing was held
11 on April 29, 2013, in the Superior Court lawsuit; that Mr. Cobbin was granted leave to amend his
12 Complaint; and that a follow up hearing was scheduled for June 18, 2013.

13 On July 16, 2013, by Procedural Order, a procedural conference was scheduled to be held
14 on August 8, 2013, to discuss the status of the Superior Court case as well as to establish a
15 procedural schedule for this matter.

16 On August 6, 2013, Gerado Ivan Hannel entered an appearance for Concerned Citizens in
17 this matter and a filed Motion to Continue Procedural Conference due to a scheduling conflict.

18 On August 8, 2013, the procedural conference was held as scheduled. The Town, the
19 Company, and Staff appeared through counsel. During the procedural conference the Concerned
20 Citizens' motion to stay the proceeding was granted. Further, the time clock was suspended.

21 On August 14, 2014, Hopeville docketed a Notice of Filing: Request for Expedited
22 Hearing stating that on July 14, 2014, the Superior Court dismissed the case between Hopeville
23 and the Concerned Citizens, as the parties have reached a settlement. A water test was done on
24 July 16, 2014 and the results indicate that the Company may currently be distributing water that
25 is above the maximum contaminate levels (mcl's) for both nitrate and total coliform. The
26 Company currently does not have the resources to address this issue, and it is in the best interest
of all the customers to expedite the transfer of assets and control to the City, who can best
remedy the situation.

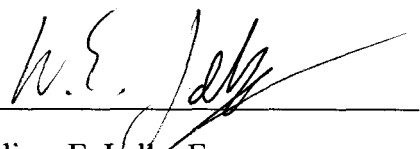
1 On July 19, 2014, by Procedural Order, a procedural conference was scheduled for
2 August 27, 2014, to discuss a procedural schedule for this matter.

3 On August 27, 2014, the procedural conference was held as scheduled. Staff and the
4 Company appeared through counsel. A representative was present on behalf of the Town.
5 Counsel for the Concerned Citizens was not present due to a family emergency. During the
6 procedural conference the parties discussed possible hearing dates. The parties were informed
7 that the hearing would be scheduled for September 22, 2014, and that any objections to the
8 proposed hearing date should be filed as soon as possible in this docket.

9 On September 22, 2014, the hearing was held as scheduled. Staff, the Company and
10 Concerned Citizens appeared through counsel. A representative was present on behalf of the
11 Town. During the hearing the parties discussed the eventual execution of a Settlement
12 Agreement (the "Agreement") between all parties. As of the date of this filing, the parties have
13 obtained signatures of the following parties on the Agreement (Ruby Cooper, Anola Hubbert,
14 Matilda White, Georgia Land, Sergio Munoz, Aric Gonzalez, Albert Williams, Ellen Berry,
15 Arthur Wilburn, Jr., Sharon Caldwell, Ralph Wilburn, Michael J. Ross, Richmond Lee, Darlene
16 Lee, Abraham Harris, III, Louis Early, Willie Wilson, Bobby Smith, Hopeville Water Company,
17 Inc., Hopeville Community for Progress, Inc., the City of Buckeye); and still need to obtain the
18 following signatures (Alvin Cobbins, James Brown, Jr., Robert Williams, Marshall Elizondo,
19 Cristina Orozco). It is the understanding by all parties that the outstanding signatures are due to
20 logistic difficulties and not due to opposition to the sale.

21 Dated October 2, 2014.

22 Respectfully submitted;

23 
24 _____
25 William E. Lally, Esq.
26 Bar #022917
Tiffany & Bosco, P.A.
2525 E. Camelback Road, Seventh Floor
Phoenix, AZ 85016
Attorney for Hopeville Water Company.

1	Original and thirteen (13) copies of the	
2	Foregoing application will be submitted	
3	On October 2, 2014	
4	Docket Control Center	Holly Brown
5	Arizona Corporation Commission	9519 West Miami
6	1200 W. Washington Street	Tolleson, AZ 85353
7	Phoenix, Arizona 85007	
8	Steve Olea	Sharon Kay Caldwell
9	Director	28925 West Pima Street
10	Utilities Division	Buckeye, AZ 85326
11	Arizona Corporation Commission	
12	1200 W. Washington Street	Elanore Guy
13	Phoenix, Arizona 85007	28901 West Pima Street
14		Buckeye, AZ 85326
15	Lyn Farmer, Esq.	
16	Chief of Hearing	LaFurn Garland
17	Hearing Division	28912 West Cocopah Street
18	Arizona Corporation Commission	Buckeye, AZ 85326
19	1200 W. Washington Street	
20	Phoenix, Arizona 85007	La Toya Cooper
21		29010 West Cocopah Street
22	Janice Alward, Esq.	Buckeye, AZ 85326
23	Chief Legal Counsel	
24	Legal Division	Maria Estrada
25	Arizona Corporation Commission	1202 South 290 th Drive, No. 42
26	1200 W. Washington Street	Buckeye, AZ 85326
27	Phoenix, Arizona 85007	
28		Martha Castro
29	William Lally, Esq.	28921 West Pima Street
30	Tiffany & Bosco, P.A.	Buckeye, AZ 85326
31	2525 E. Camelback Road, Third Floor	
32	Phoenix, AZ 85016	Georgia Land
33		1203 South 290 th Drive, #40
34	Mr. Abraham Harris III	Buckeye, AZ 85326
35	Hopeville water Company, Inc.	
36	DbA Alleville Water Company	Albert Williams
37	1415 South Palo Verde Road	1215 South 290 th Drive, #49
38	Phoenix, AZ 85326	Buckeye, AZ 85326
39		
40	Mr. Stephen Cleveland	Izola Brown
41	City Manager	PO Box 1142
42	City of Buckeye	Buckeye, AZ 85326
43	530 Monroe Avenue	
44	Buckeye, AZ 85326	

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9 Anola Hubbert
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Goodyear, AZ 85395

11 Aric Gonzales
12 28922 West Cocopah Street
13 Buckeye, AZ 85326

14 Angela Gonzales
28913 West Pima Street
15 Buckeye, AZ 85326

16 Sergio Munoz
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17 Buckeye, AZ 85326

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20 Oliver and Brice Caldwell
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21 Buckeye, AZ 85326

22 Larry Bell
23 1201 S. 289 Dr. #32
Buckeye, AZ 85326

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25 Court Reporting, Video and Videoconferencing
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By: 